

## Clearinghouse Rule 24-008

# PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AMENDING PERMANENT RULES

The scope statement for this rule, SS 082-23, was published in Register No. 814B, on October 31, 2023, and approved by State Superintendent Jill K. Underly on November 28, 2023.

The State Superintendent of Public Instruction hereby proposes an order to repeal s. PI 34.047 (3) (d); and to create s. PI 34.111 (zg), relating to the elimination of the dance license as obsolete.

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## ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

**Statute interpreted:** s. 118.19 (1), Stats.

**Statutory authority:** s. 118.19 (1), Stats.

### **Explanation of agency authority:**

Under 118.19 (1), Stats., any person seeking to teach in a public school, including a charter school, or in a school or institution operated by a county or the state shall first procure a license or permit from the department. Under Wis. Stat. s. 115.28 (7) (a) the superintendent of public instruction shall make rules establishing standards of attainment and procedures for the examination and licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.191, 118.192, 118.193, 118.194, and 118.195.

### **Related statute or rule:**

N/A

### **Plain language analysis:**

The dance license is not offered at any educator preparation program in Wisconsin. Due to the inability of school districts to hire individuals holding a dance license issued by the department, the proposed rule seeks to eliminate dance as a kindergarten through grade 12 subject area for licensure under s. PI 34.047 (3) (d), instead offering the ability for physical education teachers under s. PI 34.047 (3) (L) to teach dance, and recognize the dance license as an obsolete license area under s. PI 34.111.

### **Summary of, and comparison with, existing or proposed federal regulations:**

Because educator licensure in the United States is typically governed by each state and local government, federal regulations are generally silent with respect to the issuance of teacher licenses. As a result, the requirements for licensure vary by state.

### **Summary of any public comments and feedback on the statement of scope for the proposed rule that the agency received at a preliminary public hearing and comment period held and a description of how and to what extent the agency took those comments into account and drafting the proposed rule:**

The Department held a preliminary public hearing and comment period on November 9, 2023, and received no comments on the statement of scope for the proposed rule.

### **Comparison with rules in adjacent states:**

**Illinois:** One university in Illinois offers a dance educator license. The degree leads to licensure to teach grades 9-12.

**Iowa:** Persons wishing to teach dance in Iowa obtain a major in Kinesiology and Health, with a minor in dance.

**Michigan:** Michigan discontinued their dance endorsement in the 2017-18 school year. Districts can place teachers with a health and physical education license and demonstrated content knowledge as a teacher in a dance course.

**Minnesota:** Minnesota offers a dance teacher license under MN Rules s. 8710.4310.

### **Summary of factual data and analytical methodologies:**

No teacher preparation program in the state offers a dance license. Educators who hold a physical education license (530/1530) are permitted to teach a unit of dance within a physical education course.

Chapter PI 34 of the Wisconsin Administrative Code contains the rules governing educator licensure, including the requirements for obtaining a license to teach kindergarten through grade 12 if the applicant completed an approved program in the subject area of the license sought and successfully met the assessment requirements in s. PI 34.021 (1) (c) and (d). Under the rule, a license to teach kindergarten through grade 12 authorizes an individual to teach one of the following subjects: 1) agriculture education; 2) art; 3) business education; 4) dance; 5) English as a second language; 6) family and consumer education 7) health; 8) instructional library media specialist; 9) Latin; 10) marketing education; 11) music; 12) physical education; 13) technology education; 14) theater; and 15) world languages, such as Chinese, French, German, Russian, Spanish, or other languages spoken in multiple countries.

The dance license is not offered at any educator preparation program in Wisconsin. Due to the inability of school districts to hire individuals holding a dance license issued by the department, the proposed rule eliminates dance as a kindergarten through grade 12 subject area for licensure under s. PI 34.047 (3) (d). The proposed rule will also offer the ability for physical education teachers under s. PI 34.047 (3) (L) to teach dance and recognize the dance license as an obsolete license area under s. PI 34.111. Without a rule change, the department would be required to implement ch. PI 34 as the rules currently exist.

### **Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:**

N/A

### **Anticipated costs incurred by private sector:**

N/A

### **Effect on small business:**

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

### **Agency contact person: (including email and telephone)**

Carl Bryan  
Legislative Policy Coordinator  
Wisconsin Department of Public Instruction  
[adminrules@dpi.wi.gov](mailto:adminrules@dpi.wi.gov)  
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### **Place where comments are to be submitted and deadline for submission:**

Comments should be submitted to Carl Bryan, Department of Public Instruction, 125 S. Webster Street, P.O. Box 7841, Madison, WI 53707-7841 or at [adminrules@dpi.wi.gov](mailto:adminrules@dpi.wi.gov). The Department will publish a hearing notice in the *Administrative Register* which will provide information on the deadline for the submission of comments.

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## **RULE TEXT**

**SECTION 1. PI 34.047 (d) (3) is repealed.**

**SECTION 2. PI 34.111 (2) (zg) is created to read:**

**PI 34.111 (2) (zg) Dance – 536/1536.**

**SECTION 4. EFFECTIVE DATE:**

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2024

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Jill Underly, PhD  
State Superintendent